UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,781	05/02/2001	Steven J. Hulai	93422-45	4596

22463   7590   10/15/2008
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EXAMINER
LE, DEBBIE M

ART UNIT	PAPER NUMBER
2168	

MAIL DATE	DELIVERY MODE
10/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

<table>
<tr><td rowspan="2">Advisory Action
Before the Filing of an Appeal Brief</td><td>Application No.
09/846,781</td><td>Applicant(s)
HULAI ET AL.</td><td></td></tr>
<tr><td>Examiner
DEBBIE M. LE</td><td>Art Unit
2168</td><td></td></tr>
</table>

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>05 September 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

  a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

  b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

    Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

  (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

  (b)☐ They raise the issue of new matter (see NOTE below);

  (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

  (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

    NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

  The status of the claim(s) is (or will be) as follows:

  Claim(s) allowed: _____.

  Claim(s) objected to: _____.

  Claim(s) rejected: <u>1-16</u>.

  Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/DEBBIE M LE/
Primary Examiner, Art Unit 2168

Continuation of 11. does NOT place the application in condition for allowance because: Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues on page 3, first paragraph, that Yach does not teach or inherent disclosure suggesting a "format of network message" because the Yach's invention outputting "common run-time program" cited by examiner in paragraphs 12, 38-39 does not disclose the word "message".
In response, Yach teaches that byte code generator accepts the run time virtual machine program and turn the source code into byte code representations and connecting with network protocol layers 260 for transmission over the network. "When using wireless connection, these protocol also break up and packetize the information (byte code representations) for transmission over the network (para. 0042)

Applicant argues on page 3, second paragraph that Yach does not teach define "a format for storing data related to said application at said wireless device" because the file storage to storage of VM programs at the client device.
In response, the claim recites that defining: "a format for storing…at said wireless device". With broadest interpretation, this is limitation would be interpreted like a storage ("a format") for storing data… because it would inherent that the storage is designed with some data structure (defining a format) for storing data…

Applicant argues on page 4, first pargraph that paragraph 47 is cited to reject the claim limitation "receiving data from said application in accordance with said format of network message because Yach paragraph 47 fails to disclose the functionality to involve a network.
In response, the examiner further directs Applicant to review para. 42 for network interfaces because paragraph 47 teaches "storage interface component" and also with the above explanation of "format of network message".

Applicant argues on page 5 that examiner has failed to show the relevant claim limiation in as complete detail as is contained in claim 7 and that the term "smaller sub-components" encompasses a "screen generation engine".
The examiner does not interpret the "smaller sub-components" encompasses a "screen generation engine". It is noted that in the claim 7, examiner interprets screen generation engine to byte code generator that accepts the run time virtual machine program and turn the source code into byte code representations (sub-components). These sub-components include information fetching component that allows the user to select information to be retrieved... (para.0007).

Applicant argues that the examiner has failed to respond to Applicant's arguments Yach fails to describe object classes… as recited in claim 7, claim 2, 6 and 10.
In response, the examiner has fully addressed the claimed limitations as detail as show in the office action pages 5-7.
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